

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JACKIE STAPLETON,

Plaintiff,

v.

UNITED HEALTHCARE BENEFITS
PLAN OF CALIFORNIA

Defendant.

Case No.: 1:25-cv-0351 JLT SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PLAINTIFF'S MOTION TO REMAND,
AND GRANTING DEFENDANT'S
MOTION TO DISMISS WITH LEAVE TO
AMEND

(Docs. 5, 16, 28)

ORDER DIRECTING THE CLERK OF
COURT TO PROVIDE PLAINTIFF WITH
A FORM COMPLAINT FOR A CIVIL
CASE AND DIRECTING PLAINTIFF TO
FILE ANY AMENDED COMPLAINT
WITHIN 30 DAYS

Jackie Stapleton initiated this action by filing a complaint against United Healthcare Benefits Plan of California in the small claims division of the San Joaquin County Court. Following removal, Defendant moved to dismiss the complaint, asserting that Plaintiff's state law claims are completely preempted by Section 502(a) of the Employee Retirement and Income Security Act ("ERISA"), 29 U.S.C. § 1132(a). (Doc. 5.) While the motion was pending, Plaintiff filed a motion to remand the matter to the San Joaquin County Superior Court.¹ (Doc. 16.)

The assigned magistrate judge issued Findings and Recommendations recommending that

¹ Plaintiff also filed a motion to transfer venue from the Sacramento Division to the Fresno Division, which the Court granted on March 24, 2025. (Docs. 17, 20.)

1 the Court deny Plaintiff's motion to remand and grant Defendant's motion to dismiss. (Doc. 28.)
2 Specifically, the magistrate judge found Plaintiff waived any objection to the timeliness of
3 Defendant's removal, because it was more than 30 days after removal. (*Id.* at 8.) The magistrate
4 judge also found the Court has subject matter jurisdiction and removal was proper, because the
5 state law claims raised "are completely preempted by ERISA." (*Id.* at 12; *see also id.* at 8-12.)
6 Thus, the magistrate judge found the Court should dismiss the complaint. (*Id.* at 12-13.)

7 The magistrate judge noted that Plaintiff did not request leave to amend. (Doc. 38 at 13.)
8 However, the magistrate judge determined leave to amend was appropriate, because "[a]llowing
9 Plaintiff to allege a claim under ERISA at this stage in the proceedings does not appear
10 necessarily futile." (Doc. 28 at 13 [citations omitted].) The magistrate judge recommended the
11 Court grant Plaintiff "leave to amend to file an amended complaint consistent with the[] findings
12 and recommendations if she believes she can do so in good faith." (*Id.* at 13-14.)

13 The Court served the Findings and Recommendations on the parties and notified them that
14 any objections were due within 14 days. (Doc. 28 at 15.) The Court advised the parties the
15 "failure to file objections within the specified time may result in the waiver of rights on appeal."
16 (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Neither Plaintiff nor
17 Defendant filed objections, and the time to do so has passed.

18 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
19 Having carefully reviewed the entire matter, the Court concludes the Findings and
20 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 21 1. The Findings and Recommendations dated July 29, 2025 (Doc. 28) are **ADOPTED**.
- 22 2. Plaintiff's motion for remand (Doc. 16) is **DENIED**.
- 23 3. Defendant's motion to dismiss (Doc. 5) is **GRANTED**.
- 24 4. Plaintiff's complaint is **DISMISSED** with leave to amend.
- 25 5. The Clerk of Court is **DIRECTED** to send Plaintiff a form complaint for a civil case.
- 26 6. Plaintiff **SHALL** file any amended complaint within 30 days of the date of service of
27 this order.

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Plaintiff is advised that failure to file an amended complaint will result in dismissal of this action for failure to prosecute and failure to obey the Court's order.

IT IS SO ORDERED.

Dated: **August 21, 2025**


UNITED STATES DISTRICT JUDGE